

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LUCAS MICHAEL FOSTER,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:16CV523
	)	
MIKE SLAGLE,	)	
	)	
Respondent.	)	

**ORDER**

On May 22, 2017, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 8, 9.) Petitioner filed objections (Doc. 10) to the Recommendation within the time limit prescribed by Section 636.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. The additional contentions raised in the objections would not provide a basis for equitable tolling or trigger a later running of the statute of limitation. Therefore, this court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that Respondent's motion to dismiss this action for being filed beyond the one-year limitation period (Doc. 4) is **GRANTED**, that Petitioner's Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. 1) is **DENIED**, and that this action be, and is hereby, dismissed with prejudice. A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 12th day of July, 2017.

  
United States District Judge